

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

MDL NO. 1456
Civil Action No. 01-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

State of Iowa v. Abbott Labs., et al.
(Subcategory Case No. 07-12141-PBS)

AND

The City of New York v. Abbott Labs., et al.
(S.D.N.Y. No. 04-CV-06054)
County of Suffolk v. Abbott Labs., et al.
(E.D.N.Y. No. 03-CV-229)
County of Westchester v. Abbott Labs., et al.
(S.D.N.Y. No. 03-CV-6178)
County of Rockland v. Abbott Labs., et al.
(S.D.N.Y. No. 03-CV-7055)
County of Dutchess v. Abbott Labs., et al.
(S.D.N.Y. No. 05-CV-06458)
County of Putnam v. Abbott Labs., et al.
(S.D.N.Y. No. 05-CV-04740)
County of Washington v. Abbott Labs., et al.
(N.D.N.Y. No. 05-CV-00408)
County of Rensselaer v. Abbott Labs., et al.
(N.D.N.Y. No. 05-CV-00422)
County of Albany v. Abbott Labs., et al.
(N.D.N.Y. No. 05-CV-00425)

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SCHERING'S MOTION FOR PROTECTIVE ORDER

<i>County of Warren v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00468))
<i>County of Greene v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00474))
<i>County of Saratoga v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00478))
<i>County of Columbia v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00867))
<i>Essex County v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00878))
<i>County of Chenango v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00354))
<i>County of Broome v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00456))
<i>County of Onondaga v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00088))
<i>County of Tompkins v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00397))
<i>County of Cayuga v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00423))
<i>County of Madison v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00714))
<i>County of Cortland v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00881))
<i>County of Herkimer v. Abbott Labs. et al.</i>)
(N.D.N.Y. No. 05-CV-00415))
<i>County of Oneida v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00489))
<i>County of Fulton v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00519))
<i>County of St. Lawrence v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00479))
<i>County of Jefferson v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00715))
<i>County of Lewis v. Abbott Labs., et al.</i>)
(N.D.N.Y. No. 05-CV-00839))
<i>County of Chautauqua v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06204))
<i>County of Allegany v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06231))
<i>County of Cattaraugus v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06242))
<i>County of Genesee v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06206))
<i>County of Wayne v. Abbott Labs., et al.</i>)
(W.D.N.Y. No. 05-CV-06138))

County of Monroe v. Abbott Labs., et al.
(W.D.N.Y. No. 05-CV-06148)
County of Yates v. Abbott Labs., et al.
(W.D.N.Y. No. 05-CV-06172)
County of Niagara v. Abbott Labs., et al.
(W.D.N.Y. No. 05-CV-06296)
County of Seneca v. Abbott Labs., et al.
(W.D.N.Y. No. 05-CV-06370)
County of Orleans v. Abbott Labs., et al.
(W.D.N.Y. No. 05-CV-06371)
County of Ontario v. Abbott Labs., et al.
(W.D.N.Y. No. 05-CV-06373)
County of Schuyler v. Abbott Labs., et al.
(W.D.N.Y. No. 05-CV-06387)
County of Steuben v. Abbott Labs., et al.
(W.D.N.Y. No. 05-CV-06223)
County of Chemung v. Abbott Labs., et al.
(W.D.N.Y. No. 05-CV-06744)

AND

County of Nassau v. Abbott Labs., et al.
(E.D.N.Y. No. 04-CV-5126)

Defendants Merck & Co., Inc. (formerly known as Schering-Plough Corporation), Schering Corporation, and Warrick Pharmaceuticals Corporation (collectively, “Schering”) hereby move for a protective order: (1) quashing the deposition notices directed at Schering that were served by the consolidated New York Counties and New York City, and by the State of Iowa, on March 1 and 2, respectively; (2) reaffirming the protective order entered by Magistrate Judge Bowler on August 20, 2008, as modified and approved by this Court on September 22, 2008; and (3) ordering that any discovery that would not be permitted by the terms of the existing protective order, or any protective order entered pursuant to this Motion, shall be inadmissible in any case within MDL No. 1456 regardless of the case or jurisdiction in which that discovery is taken. In support of this Motion, Schering submits the attached Memorandum in Support of Schering’s Motion for a Protective Order, as well as the February 21, 2008 Affidavit of Dr. Sumanth Addanki.

For the reasons stated therein, Schering respectfully requests that this Motion be granted.

Respectfully submitted,

Merck & Co., Inc. (formerly known as Schering-Plough Corporation), Schering Corporation, and Warrick Pharmaceuticals Corporation

/s/ John P. Bueker

John T. Montgomery (BBO #352220)

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Dated: March 12, 2010

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2010, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Russell Patrick Plato

Russell Patrick Plato